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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

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MINGLIANG YANG and YAWEN CHEN,

Plaintiff(s),

v.

ECLIPSE THEATER LAS VEGAS, L.P.,  
ECLIPSE THEATER LV (LAS VEGAS) LLC;  
ECLIPSE THEATER LLC; and ECLIPSE  
THEATERS DEVELOPMENT GROUP LLC,

Defendant(s).

2:21-cv-01846-JAD-VCF

**ORDER**

Before the Court is plaintiff's motion for extension of time to serve defendants. (ECF No. 16).

Plaintiff is requesting a 60-day extension to perfect service on defendants Eclipse Theater LV (Las Vegas) LLC and Eclipse Theaters Development Group LLC.

Pursuant to Federal Rule of Civil Procedure 4(m), "[i]f a defendant is not served within 90 days after the complaint is filed, the court--on motion or on its own after notice to the plaintiff--must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period." "The 90-day time limit imposed by Rule 4(m) expires 90 days after the first complaint in which the defendant is named..." is filed. *Bolden v. City of Topeka*, 441 F.3d 1129, 1148 (10th Cir. 2006)(emphasis added). The 90-day time limit for service does not restart each time a plaintiff files a new amended complaint. *Id.* The district court may extend time for service of process retroactively after the 90-day service period has expired. See *Mann v. American Airlines*, 324 F.3d 1088, 1090 (9th Cir.2003).

1 The complaint was filed on October 7, 2021. The deadline to effectuate service of process was  
2 January 5, 2022. *Id*; Fed. R. Civ. P. 4(m). Plaintiff states that the process server has made numerous  
3 attempts to serve defendants at their last known addresses, but service was unsuccessful. Plaintiff is  
4 requesting a 60-day extension to serve the Secretary of State.

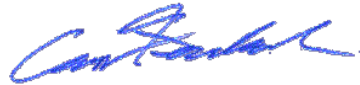
5 The time to effectuate service upon defendants expired on January 5, 2022, and plaintiff must  
6 make a showing of good cause or excusable neglect in order for the court to extend this deadline for an  
7 appropriate period. *See* Fed. R. Civ. P. 4(m); *Lemoge*, 587 F.3d at 1198; *Mann*, 324 F.3d at 1090 (the  
8 court may extend the deadline for service of process retroactively).

9 Here, the court finds that good cause warrants extending the service of process deadline.

10 Accordingly, and for good cause shown,

11 IT IS ORDERED that plaintiff's motion for extension of time to serve defendants (ECF No. 16) is  
12 GRANTED. The time to perfect service is extended to March 21, 2022.

13 DATED this 11th day of February 2022.

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15 CAM FERENBACH  
16 UNITED STATES MAGISTRATE JUDGE  
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